

REMARKS

Claims 1, 3, 7-11, 18, 20-21, 34-37, 40-45, 48-53, and 56 are pending in this application. By this Response, claims 1, 8, 9, 11, and 21 are amended and claims 38-39, 46-47, and 54-55 are canceled. Independent claims 1, 8, and 9 are amended to incorporate subject matter from canceled claims 38-39. Independent claim 11 is amended to incorporate subject matter from canceled claims 46-47. Independent claim 21 is amended to incorporate subject matter from canceled claims 54-55. The independent claims are further amended to clarify that the RTSS and PSS signals are generated by viewers/users prior to the broadcast programming being presented to the user. No new matter has been added by any of the above amendments to the claims. Reconsideration of the claims is respectfully requested in view of the above amendments and the following remarks.

Applicant has amended claims 1, 8, 9, 11, and 21, and canceled claims 38-39, 46-47, and 54-55 from further consideration in this application, however Applicant is not conceding in this application that the unamended claims or the canceled claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancelations are only for facilitating expeditious prosecution of the present application. Applicant respectfully reserves the right to pursue the unamended claims and any other claims in one or more continuations and/or divisional patent applications.

I. Telephone Interview

Applicant thanks Examiner Alam and Supervisory Examiner Srivastava for the courtesies extended to Applicant's representative during the June 11, 2008 telephone interview. During the telephone interview, the above amendments and the distinctions of the claims over the cited art were discussed. Examiners Alam and Srivastava agreed that the incorporation of claims 38 and 39 into the independent claims appears to distinguish over the cited art and that an updated search would be performed. Examiner Alam further requested clarification that the RTSS and PSS signals are generated by

viewers/users screening the broadcast programming before being presented to the end user. The substance of the telephone interview is summarized in the following remarks.

II. Rejection under 35 U.S.C. § 103(a) Based on Krasnow and Logan

The Final Office Action rejects claims 1, 3, 7-11, 18, 20-21, 34-35, 37-43, 45-51, and 53-56 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Krasnow (U.S. Patent Application Publication No. 2003/0226141) in view of Logan et al. (U.S. Patent Application Publication No. 2006/0218579). This rejection is respectfully traversed.

Amended claim 1, which is representative of the other rejected independent claims 8, 9, 11, and 21 with regard to similarly recited subject matter, reads as follows:

1. A system for screening broadcast programming, comprising:
 - a viewer configured to receive broadcast programming, to receive commands from a user, to receive commands from an interface coupled to the viewer, to present the received broadcast programming to the user based on commands from the user, and to present the received broadcast programming to the user based on commands from the interface;
 - a processor coupled to the interface and configured to receive a real time screening signal (RTSS) and a precision screening signal (PSS), to receive user input from the interface, to store the received user input, to generate a local action signal based on the user input and at least one of the received RTSS or PSS, and to transmit the local action signal to the interface;
 - the interface configured to receive the local action signal, to transmit commands to the viewer based on the local action signal, and to receive the user input from the user, the user input comprising at least an action preference; and
 - a broadcast recorder coupled to the interface and configured to receive broadcast programming, to store the received broadcast programming, and to transmit the stored broadcast programming to the viewer in response to user commands, wherein the RTSS is generated based on real time monitoring of the broadcast programming being presented in real time, the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming, wherein the processor, in response to the broadcast programming being presented to the user via the viewer in real time, generates the local action signal based on the RTSS, and wherein, in response to the broadcast programming being presented to the user via the viewer as a playback of the stored broadcast programming, the processor generates the local action signal

based on the PSS, wherein the RTSS is generated by reconciling a plurality of screening signals from a plurality of different viewers of the broadcast programming prior to the broadcast programming being presented to the user, and wherein the PSS is generated based on the RTSS by having a second user view portions of the recording of the broadcast programming, prior to the broadcast programming being presented to the user via the viewer, based on content of interest segments present in the broadcast programming as specified by the RTSS and identifying a start or end of the content of interest segments present in the broadcast programming.
(emphasis added)

Applicant respectfully submits that neither Krasnow nor Logan, whether taken alone or in combination, teaches or suggests at least those features of claim 1 emphasized above and the similar features found in the other independent claims. Specifically, as will be discussed herein below, Krasnow and Logan fail to teach or suggest an RTSS signal being generated by reconciling a plurality of screening signals from a plurality of different viewers or a PSS that is generated based on the RTSS by having a user view portions of the recording of the broadcast programming based on content of interest segments present in the broadcast programming as specified by the RTSS.

It should first be understood that independent claim 1 calls for two different types of screening signals, a real time screening signal (RTSS) and a precision screening signal (PSS). The RTSS is generated by having a plurality of people, i.e. viewers, view the broadcast programming in real time and generate screening signals. These screening signals are then reconciled into a RTSS. The RTSS is provided to a user who views portions of a recording of the broadcast programming. The user views these portions based on content of interest (COI) segments specified by the RTSS. The user then identifies the start and end of the COI segments in the broadcast programming based on the user's view of these COI segments specified by the RTSS.

Krasnow is directed to a mechanism for storing advertisements from broadcast programs for later review by a user. With the system of Krasnow, a content provider server 112 provides stored content to a plurality of client computing devices 108 via a content distribution system 106. In addition guide information may be sent to the client computing devices 108 from an electronic program guide (EPG) server 118. The content

processor(s) 122 of the content distribution system 106 process the content into a format understandable by the client devices 108.

As shown in Figure 3 of Krasnow, an advertisement data store 302 may maintain the advertisements that are displayed for viewing and/or information corresponding to the displayed advertisements for future reference and availability (see paragraph [0037]). The advertisements in the advertisement data store 302 may be made available by way of metadata. A user may enter control commands into the client computing device for viewing or interacting with an advertisement.

While Krasnow teaches a mechanism for separating advertisements from other broadcast content so that the advertisements may be stored for later retrieval from an advertisement data store 302, there is no teaching or suggestion in Krasnow regarding the RTSS or PSS features of claim 1. The Final Office Action alleges that Krasnow teaches a RTSS as the user of the client device watching an advertisement and selecting an advertisement of interest (see Final Office Action, page 3). The Final Office Action points to paragraphs [0048] and [0052] as allegedly teaching these features. Paragraph [0048] describes a user providing control inputs for causing an advertisement to be stored in an advertisement data store 302. Paragraph [0052] merely describes the type of data that may be stored in the advertisement data store 302. Neither of these sections, nor any other section, of Krasnow teaches or suggests an RTSS that is “generated by reconciling a plurality of screening signals from a plurality of different viewers of the broadcast programming.” In fact, there is no description whatsoever in Krasnow regarding any reconciliation of screening signals from a plurality of different viewers, let alone generating an RTSS based on such reconciliation.

Thus, contrary to the allegations raised in the Final Office Action, Krasnow does not in fact teach or suggest the RTSS features of claim 1. Moreover, as admitted by the Final Office Action, Krasnow does not in fact teach or suggest the PSS features of claim 1. The Final Office Action alleges that the PSS features of claim 1 are taught by Logan. Applicant respectfully disagrees.

Logan is directed to an apparatus and method for broadcast monitoring. With the mechanism of Logan, a time stamp circuit card assembly 28 is provided that provides time stamp signals at time-spaced intervals which may then be multiplexed onto a

transmission path employed by a compressor 16 for providing a compressed program signal to a memory system 18 (see paragraph [0043]). In addition, a remote time stamp mechanism 48 is provided for specifying the beginning and ending time stamps for a portion of the broadcast to be deleted, such as a sequence of commercials. As a function of these time stamps of the portion to be deleted, a marking signal is generated (see paragraphs [0049]-[0050]). The marking signal may be used to control a recorder, such as a VCR, so as to stop recording the broadcast programming signal during the segment that is to be deleted and to start recording once the segment that is to be deleted has past (see paragraph [0083]).

Thus, at most, Logan teaches a system in which one user may specify marking signals based on viewing the broadcast programming in real time with this one user's marking signals being sent to an end user who may specify control instructions referencing the marking signals so as to control a recorder (see paragraph [0091]). While this might be similar to a PSS, it is not the same as a PSS as it is recited in claim 1. As is clearly stated in claim 1, the PSS is generated by having a user view portions of the broadcast programming corresponding to content of interest segments present in the broadcast programming as specified by the RTSS (the RTSS having been generated by reconciling screening signals from a plurality of viewers). To the contrary, in Logan, the user must view the entire broadcast programming and provide his/her input as to the time stamps for the generation of marking signals. Thus, while the marking signals in Logan may have some similarity to the PSS of the present invention since it is used to mark portions of broadcast programming, the marking signals of Logan are not in fact generated in the same manner and thus, are not equivalent to the PSS of claim 1. This is because Logan does not in fact teach any RTSS generated by reconciling screening signals from a plurality of viewers, upon which the PSS is generated in the manner set forth in claim 1.

The Final Office Action, with regard to these features as presented in claims 38 and 39, takes the position that the time stamps of the broadcast programming are somehow equivalent to the RTSS of claim 1 and the marking signals are somehow equivalent to the PSS of claim 1 (see Final Office Action, page 8, addressing claims 38 and 39). The time stamps associated with the broadcast programming cannot be the

RTSS of claim 1 for at least the reason that the time stamps are not generated by reconciling screening signals from a plurality of viewers. To the contrary, the time stamps are generated by a piece of hardware, i.e. a time stamp circuit card assembly (see paragraph [0043]), generating the time stamp signal at regular intervals. This does not require any reconciliation of screening signals from a plurality of viewers. Moreover, the time stamps generated by the time stamp circuit card assembly do not in fact identify any content of interest segments but in fact merely provide a time reference every predetermined number of seconds during the broadcast programming. Furthermore, as discussed above, the marking signals are not equivalent to the PSS of claim 1 for the reasons previously stated.

Essentially, the claimed invention as recited in claim 1 calls for a plurality of viewers to provide screening signals that are reconciled into an RTSS that identifies content of interest segments within the broadcast programming. Another user then views the content of interest segments and provides a PSS that identifies the start and end of the content of interest segments. Neither of the references, whether taken alone or in combination, teaches or suggests a system in which a first plurality of viewers provide input to generate a first screening signal (RTSS) that is then the basis for another user to generate a second screening signal (PSS) that identifies the start and stop of content of interest segments, with both the RTSS and PSS being provided to a processor that generates a local action signal based on at least one of the RTSS and PSS for controlling a broadcast recorder.

Thus, Applicant respectfully submits that neither Krasnow nor Logan, whether taken alone or in combination, teaches or suggests the features of claim 1 or the similar features found in the other independent claims 8, 9, 11, and 21. At least by virtue of their dependency on claims 1, 8, 9, 11, or 21, respectively, the alleged combination of Krasnow and Logan does not teach or suggest the features of dependent claims 3, 7, 10, 18, 20, 34-37, 40-45, 48-53, and 56. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 3, 7-11, 18, 20-21, 34-35, 37, 40-43, 45, 48-51, 53, and 56 under 35 U.S.C. § 103(a).

III. Rejection under 35 U.S.C. § 103(a) Based on Krasnow, Logan, and Vogel

The Final Office Action rejects claims 36, 44, and 52 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Krasnow (U.S. Patent Application Publication No. 2003/0226141) in view of Logan et al. (U.S. Patent Application Publication No. 2006/0218579), and further in view of Vogel (U.S. Patent Application Publication No. 2003/0031456). This rejection is respectfully traversed for at least the same reasons as noted above with regard to the alleged combination of Krasnow and Logan.

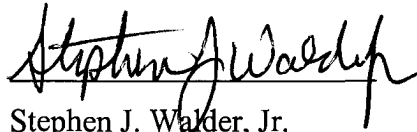
Vogel does not provide any teaching or suggestion to solve the deficiencies of Krasnow and Logan discussed at length above. Vogel teaches a video recorder that may be programmed via a graphical user interface of a personal computer. Vogel does not provide any teaching regarding the RTSS or PSS features of the independent claims. Thus, any alleged combination of Krasnow, Logan, and Vogel, assuming, *arguendo*, that such a combination were possible and one were somehow motivated to attempt such a combination, still would not result in the RTSS or PSS features of the independent claims being taught or suggested. Thus, the alleged combination of Krasnow, Logan, and Vogel would likewise not teach or suggest the features of dependent claims 36, 44, and 52 which incorporate the features from their respective independent claims. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 36, 44, and 52 under 35 U.S.C. § 103(a).

IV. Conclusion

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: June 16, 2008

A handwritten signature in black ink, appearing to read "Stephen J. Walder, Jr.", written over a horizontal line.

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